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November 27, 2019

Hon. Valerie E. Caproni
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: United States v. Solomon Aluko
Docket No. 15-CR-537 (VEC)

Dear Judge Caproni:

I represent Mr. Aluko in the above-referenced matter. The Court will recall that, on February 16, 2017, Mr. Aluko pleaded guilty to 18 U.S.C. §§924(c)(1)(A)(ii) and 2, a lesser included offense of Count 12 of the Indictment. He was sentenced on May 30, 2017, to seven years' imprisonment.

Presently pending before the Court is a motion to vacate the guilty plea pursuant to 28 U.S.C. §2255 based on United States v. Davis, 139 S. Ct. 2319 (2019), filed *pro se*. The Court reappointed me to represent Mr. Aluko and the government returned him to the Metropolitan Detention Center so that I could meet with him to discuss his options. I have had numerous meetings with him. I have also had numerous discussions and email correspondence with the government about the motion and a possible re-plead.

After a full vetting of the possible resolutions of his motion, Mr. Aluko has determined that he wishes to waive the Davis issue that applies in his case and to withdraw his §2255 motion. Accordingly, on his behalf, I request that the §2255 motion be withdrawn.

Respectfully submitted,

James M. Branden

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Mr. Aluko's motion to withdraw his request to vacate his conviction for a violation of 18 U.S.C. § 924(c) is GRANTED. The hearing currently scheduled for December 10, 2019, is CANCELLED. Mr. Aluko must be promptly returned to his designated Bureau of Prisons facility.

The Clerk of Court is respectfully directed to terminate the pending motion at docket entry 1425.

SO ORDERED.

Date: 12/02/2019

A handwritten signature in blue ink, appearing to read "Valerie Caproni", is written over the printed name.

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE